

S.D.N.Y.—N.Y.C.
17-cv-6685
Carter, J.

MANDATE

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 24th day of May, two thousand twenty-two.

Present:

Rosemary S. Pooler,
Michael H. Park,
Eunice C. Lee,
Circuit Judges.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: May 24 2022

James DuCharme, et al.,

Petitioners,

v.

21-2102

Michael L. Ferguson, et al.,

Respondents.

Petitioners request, pursuant to Federal Rule of Civil Procedure 23(f), leave to appeal the district court's order granting class certification. Petitioners also move for leave to file a reply. Upon due consideration it is hereby ORDERED that the motion for leave to file a reply is GRANTED. It is further ORDERED that the Rule 23(f) petition is DENIED. Petitioners have not demonstrated either "(1) that the certification order will effectively terminate the litigation and there has been a substantial showing that the district court's decision is questionable, or (2) that the certification order implicates a legal question about which there is a compelling need for immediate resolution." *Sumitomo Copper Litig. v. Credit Lyonnais Rouse, Ltd.*, 262 F.3d 134, 139 (2d Cir. 2001).

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

Catherine O'Hagan Wolfe



Catherine O'Hagan Wolfe

MANDATE ISSUED ON 05/24/2022